

REMARKS/ARGUMENTS

Support for the amendment to Claim 20 is found in the claim as originally filed and at, e.g., specification page 20, line 7. New Claims 45 and 46 are supported by original Claims 1 and 2 and specification pages 16 and 17, both discussing optical brighteners Estobrite OB-1 and OB-3™. As noted in Table 2 at page 17 these optical brighteners are both bisbenzoxazole optical brighteners. No new matter has been entered.

As noted by the above amendment, independent Claim 20 now requires the presence of three components: a polyphenylsulfone, an organic phosphorous-containing compound, and at least one of a blue to violet dye and an optical brightener. Independent Claims 21 and 23 require, among other things, the presence of a blue to violet dye. Finally, new Claim 45 requires a bisbenzoxazole optical brightener. As the Examiner will note from a review of the applied references, which will be discussed in detail below, the references do not anticipate the amended claims.

Beverly relates to aromatic polysulfones containing phosphorous compounds used to increase melt stability. However, the reference does not disclose or suggest the use of a blue to violet dye, as now required in most claims, or an optical brightener. While Beverly generically discloses that the reference composition “may contain dyes and pigments” at column 2, lines 43-44, there is no direction to the particularly claimed blue to violet dyes presently claimed, and as shown in the Examples described at specification pages 21ff, the incorporation of a blue to violet dye in combination with an organic phosphorous-containing compound in a polyphenylsulfone provides a composition capable of meeting the yellowness index requirements necessary for the production of viable ophthalmic lenses, etc.

In Table 4 of the specification Comparative Example C8 is a polyphenylsulfone composition that contains a blue to violet dye and an optical brightener, but no organic

phosphorous-containing compound Examples 2 and 3 according to the invention are similar but contain, in addition, an organic phosphorous-containing compound as claimed:

TABLE 4					
Polyphenylsulfone compositions.					
Components	Examples				
	C7	C8	2	3	C9
RADEL ® R-5000 NT	100%	balance	balance	balance	100%
ZIRS Oil of Violet TM	—	5 ppm	5 ppm	8 ppm	—
EASTOBRITE OB-3 TM	—	200 ppm	200 ppm	400 ppm	—
PEPQ TM Stabilizer	—	—	500 ppm	500 ppm	—
Comments	Extruded Control	—	—	—	Virgin Control, Not Extruded

When these compositions are tested for their optical properties, the following results are obtained, shown in Table 7:

TABLE 7					
Optical properties of controls/comparative examples C7–C9 and examples 2 and 3.					
Testing Information:	Examples				
	C7	C8	2	3	C9
Light Transmittance “Y” (%)	54.12	50.72	55.07	50.34	71.88
X	52.70	49.06	53.05	48.29	69.12
Z	31.39	32.61	36.87	37.24	56.11
Color Factor	332.8	302.0	275.8	237.1	213.1
Yellowness Index	62.91	55.40	52.09	44.13	40.1
Haze (%)	6.76	6.18	5.21	5.43	3.17

As noted at specification pages 25-26, this data demonstrates that molded polyphenylsulfone compositions according to the present invention all show acceptable haze levels as well as lower yellowness indices than extruded polyphenylsulfone (C7) while maintaining essentially the same light transmittance across the visible spectrum. In addition, polyphenylsulfone compositions according to the present invention have reduced haze relative to extruded polyphenylsulfone (C7) and to a composition where an optical brightener and a dye are

included but not a phosphorous containing melt stabilizer (C8). Because Beverly fails to disclose or suggest the invention as claimed, and the benefits it provides, the rejection over this reference should be withdrawn.

The disclosure in GB '133 with regard to dyes is essentially identical to that in Beverly, the only description appearing at page 4, line 30 where the reference simply states, as in Beverly, that the compositions may contain dyes and pigments.¹ As noted above, this simple disclosure is not sufficient to constitute anticipation, nor does this disclosure provide the basis for an obviousness rejection in view of the substantial improvements shown above when a blue to violet dye is used. The rejection should be withdrawn.

Stevenson relates to a class of special phosphites suggested for use as antioxidant stabilizers for a broad range of polymers including polysulfones (column 1, line 16; column 3, line 58) and polyethersulfones (column 20, line 23), but not polyphenylsulfones. Moreover, the reference nowhere discloses or suggests the use of a dye or, necessarily, a blue to violet dye. While Stevenson does suggest the use of pigments of undefined color (column 23, lines 45-46), there is no disclosure or suggestion of the use of a blue to violet dye, as now claimed in independent Claims 20, 21 and 23. Also, the reference nowhere discloses or suggests the use of a bisbenzoxazole optical brightener, as required in new Claim 45. While Stevenson generically discloses that the reference composition may contain a broad range of additives, among others optical brighteners (col. 23, line 46), there is no disclosure or suggestion of a bisbenzoxazole optical brightener, as claimed in new Claims 45 and 46. The rejection should be withdrawn.

Srchibald relates to stabilizers for a broad range of organic materials, as different as notably lubricating oils, organic liquids and plastic resins are (paragraph 0042) ; while poly(ethersulfones) are cited among a broad range of plastics (paragraph 0043), the reference

¹ Again, the reference does not disclose or suggest the use of a bisbenzoxazole optical brightener as required in new Claim 45.

nowhere discloses or suggests polyphenylsulfones, the use of a bisbenzoxazole optical brightener, or the use of a dye or, naturally, a blue to violet dye. While pigments and optical brighteners (of undefined nature) are suggested in paragraph 0066, dyes (or, necessarily, blue to violet dyes) and bisbenzoxazoles are not disclosed or suggested in Srchibald. Accordingly, the rejection should be withdrawn.

The rejection of Claims 28-31 over Beverly, Stevenson or Srchibald are traversed for the same reasons discussed above where each reference is considered. The references fail to disclose or suggest the presently claimed invention even in combination, as critical elements are missing from the references.

Finally, Applicants attach hereto a Terminal Disclaimer over U.S.S.N. 10/511,094. *Quad Envtl. Technologies Corp. v. Union Sanitary Dist.*, 20 USPQ2d 1392 (Fed. Cir. 1991).

Accordingly, and in view of the above amendments and remarks placing this case in condition for allowance, Applicants respectfully request early notification to this effect.

Respectfully submitted,

OBLON, SPIVAK, McCLELLAND,
MAIER & NEUSTADT, P.C.



Richard L. Treanor
Attorney of Record
Registration No. 36,379

Customer Number

22850

Tel: (703) 413-3000
Fax: (703) 413 -2220
(OSMMN 08/07)